

§ 207.2

Aruba, the Leeward and Windward Islands, Barbados, and Curacao.

Long-term wet lease means a lease by which the lessor provides both an aircraft and its crew, which either (a) lasts more than 60 days, or (b) is part of a series of such leases that amounts to a continuing arrangement lasting more than 60 days.

Mixed charter means a charter, the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

Point means any airport or place where an aircraft may be landed or taken off, including the area within a 50-mile radius of such airport or place.

Pro rata charter means a charter, the cost of which is divided among the passengers transported.

Single entity charter means a charter, the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

Special services are all services rendered in air transportation which are authorized by section 401(e)(6) of the Act by an air carrier holding a certificate of public convenience and necessity other than (1) services rendered in air transportation over the route or routes designated in its certificate(s), (2) charter services as defined in this section, and (3) services authorized by special exemption under section 416(b) of the Act.

Travel agent means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

(Secs. 204, 401, 418, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 91 Stat. 1278, 49 U.S.C. 1326, 1371, 1388)

[ER-802, 38 FR 14157, May 30, 1973, as amended by ER-1075, 43 FR 42740, Sept. 21, 1978; ER-1190, 45 FR 53363, Aug. 11, 1980; ER-1248, 46 FR 47766, Sept. 30, 1981]

§ 207.2 Applicability of part.

This part shall apply to all air carriers (other than Alaskan air carriers and air carriers certificated for supplemental air service) who hold currently effective certificates of public convenience and necessity issued by the Board pursuant to section 401 of the Act.

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§ 207.3 Scope of authorization.

Charter trips and other special services may be performed by air carriers, subject to the limitations and regulations set forth in this part. The limitations and regulations herein specified as applicable to charter trips shall be applicable to all charter trips regardless of whether the authority to conduct such trips derives from section 401(e)(6) of the Act or the carrier's certificate of public convenience and necessity or from a special or general exemption issued by the Board.

[ER-1190, 45 FR 53363, Aug. 11, 1980]

§ 207.4 Payments to persons receiving commissions.

Payments for a U.S. originating charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission for that flight shall be considered payments to the carrier.

(Secs. 102, 204, 403, and 416 of the Federal Aviation Act of 1958, as amended by Pub. L. 95-504, 72 Stat. 740, 743, 758, 771, 92 Stat. 1731, 1732; 49 U.S.C. 1302, 1324, 1373, and 1386)

[ER-1126, 44 FR 33053, June 8, 1979]

§ 207.4a Written contracts with charterers.

Every agreement to perform a charter trip, except charters for the Department of Defense, shall be in writing and signed by an authorized representative of the air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include, without limitation:

- (a) Date and place of execution of the contract or agreement;
- (b) Signature, printed or typed name of each signatory, and official position of each;
- (c) Dates of flights and points involved;
- (d) Type and capacity of aircraft: Number of passenger seats available or pounds of cargo capacity;